

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, June 19, 2013 – 9:30 a.m. – Room 20 House Building

Members Present:

Sen. Evan J. Vickers, Senate Chair
Rep. Paul Ray, House Chair
Sen. Allen M. Christensen
Sen. Luz Robles
Sen. Brian E. Shiozawa
Sen. Todd Weiler
Rep. Stewart Barlow
Rep. Rebecca Chavez-Houck
Rep. LaVar Christensen
Rep. Brian M. Greene
Rep. Michael S. Kennedy

Rep. Ronda Rudd Menlove
Rep. Edward H. Redd

Members Absent:

Rep. Tim M. Cosgrove

Staff Present:

Mr. Mark Andrews, Policy Analyst
Ms. Cathy Dupont, Associate General Counsel
Ms. Lee Killian, Associate General Counsel
Mr. Samuel Johnston, Committee Staff
Ms. Lori Rammell, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Vickers called the meeting to order at 9:30 a.m.

MOTION: Rep. Barlow moved to approve the minutes of the November 14, 2012, meeting and the May 15, 2013, meeting. The motion passed unanimously. Sen. Shiozawa and Rep. Christensen were absent for the vote.

2. Putative Father Registry and Compact

Sen. Luz Robles explained that during its 2013 General Session, the Legislature passed S.B. 282, "Adoption Notification Requirements," which requires the state registrar to report to the committee on the feasibility of partnering with the public legal notice website to create a national putative father registry. She described the difficulty putative fathers may have in contacting birth mothers who move out of the state.

Ms. Janice Houston, State Registrar, Office of Vital Records and Statistics, Utah Department of Health, presented and distributed "Putative Fathers Registry, Feasibility Report" and reported on the process that a father currently goes through to register with the state as a putative father. She defined "putative father" as any man who has had a sexual relationship with a woman from which a child has resulted. She said that a putative father does not need to be a resident of Utah to petition to have his name added to the state's registry. She explained the timeline for a putative father to register before the birth of the child and the child's possible adoption.

Ms. Houston pointed out some of the challenges associated with establishing a national putative father registry, including that some of the most populated states do not have a registry, and that each state's filing requirements are different. The problem, she said, is that pregnant mothers can travel to states that are not on the registry to have their babies.

Ms. Houston said that registration for paternity is one of the last paper systems left in the Department of Health and discussed the pros and cons of converting it to an electronic system.

Rep. Kennedy asked how a national registry would protect victims of sexual violence. Ms. Houston said the court would make the determination of the extent of the father's rights. He also enquired whether this paralyzes the adoption process, to which Sen. Robles replied that fathers who are suited to raise their children should not have those children taken away through adoption. She said that both parents should be involved in that decision without making adoptions more difficult.

Rep. Christensen said that to have a registry that "discloses to all the world that there's been a pregnancy" puts the mother in the difficult position of potentially having to continue contact with a father whom she would prefer not to maintain contact with.

Sen. Weiler asked whether the putative father registry procedures apply to a father who has married the birth mother. Ms. Houston said they apply only in cases where the mother and father are not married.

Sen. Weiler also asked whether the registry might prevent a birth mother from obtaining an abortion. Sen. Robles said that it did not and that she had not considered that possibility.

Mr. Wes Hutchins, attorney, Utah Council for Ethical Adoption Practices, reminded the committee to consider the best interests of children and the due process rights of unmarried biological fathers. He said that most, if not all, of the costs of a national putative father registry could be deferred by user fees. He indicated that in the absence of a national registry, adoptions are more "paralyzed" because of the uncertainty over whether there is a father who didn't receive notice. He said many fathers would like to marry the birth mother, but the mother chooses not to marry. He said Utah has become a magnet for mothers who wish to give birth and then place the child for adoption without sufficiently notifying the father. A national registry, he said, is a means for an adoption agency to know whether a father is involved. He indicated that a registry to notify fathers of mothers planning to have an abortion would be unconstitutional.

Rep. Christensen and Sen. Weiler asked questions of Mr. Hutchins regarding current adoption timelines and requirements.

Mr. David Hardy, attorney, Utah Adoption Council, spoke in favor of encouraging and fostering a national putative father registry.

Mr. Dan Deuel, member, Executive Board, National Parents Organization, spoke in support of a national putative father registry.

3. Update on State and Federal Health Reform

Ms. Dupont provided an overview of the many workgroups associated with either the Legislature's Health Reform Task Force or the Governor's Medicaid Expansion Options Community Workgroup. She said that more than 150 individuals are serving as members of these groups. She said one of the difficulties of having so many groups is tracking and coordinating issues. She promised to keep the committee informed of issues that concern it. She said October 1 is the day federal health care reform goes live and that preparation for that involves the Insurance Department, the Department of Workforce Services, and many others. She indicated the federal government released regulations last Friday that sanction Utah's bifurcated small health insurance exchange proposal. She said, however, that the state is waiting to find out whether it

will be able operate a state-based risk adjustment program for the individual (nongroup) insurance market.

4. Adoption Records Access

Rep. Jim Nielson distributed draft legislation "Adoption Records Access Amendments" (2014FL-0027/003), an amended version of 2013 General Session Second Substitute H.B. 148, "Adoption Records Access Amendments," which was considered by the House Health and Human Services Standing Committee and referred to interim study. He said the legislation amends the procedures for disclosing adoption records, opening records that have not been accessible to adoptees in the past. He said the feedback he has received from birth mothers and adoptees alike has been in favor of opening adoption records. He said the assertion that the legislation could lead to an increase in abortions is patently false. He said that in states that have moved to open adoptions, abortions have gone down. He indicated that his legislation would give people better access to medical records and make birth mothers less likely to be scared by a cumbersome, secretive process. He said over 90% of adoptions are open and that his legislation provides ample opportunities to overturn that presumption.

Mr. Hardy explained that the legislation provides that records for adoptions between 1941 and the present will remain sealed and accessible only through a mutual consent registry. He said that going forward, however, records will be accessible unless sealed. He said he believes the legislation is a reasonable compromise.

Ms. Cherylyn Eagar, American Association of Physicians and Surgeons, asked how the legislation would affect the information of a deceased biological parent. Rep. Nielsen indicated that a parent's confidential information would remain confidential.

5. Adjourn

MOTION: Sen. Christensen moved to adjourn the meeting. The motion passed unanimously.

Chair Vickers adjourned the meeting at 11:02 a.m.